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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Ho Soo Lee

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WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C.

11491 SUNSET HILLS ROAD

SUITE 340

RESTON, VA 20190

EXAMINER

BORLINGHAUS, JASON M

ART UNIT

PAPER NUMBER

3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/800,664

Applicant(s)

LEE ET AL.

Examiner

Jason M. Borlinghaus

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Disclosed Prior Art (applicant's specification, pp. 1 – 7 and fig. 1 – 2) in view of Jones (Jones, Gerald Everett. *How to Lie with Charts*. iUniverse. February 1, 2000. pp. 61 – 67, 70 – 72, 85 – 87, 170, 175, 258 and 262).

Regarding Claims 1 – 3, Disclosed Prior Art discloses a method of purchasing products and services over a network ("e-marketplace") comprising the steps of:

- submitting a Request for Quotation (RFQ) with at least one attribute ("such as delivery time, quantity discounts and the like") over the network ("e-marketplace"): (see 100, fig. 1 and p. 3, lines 9 - 18).

- receiving at least one bid in response to the RFQ over the network ("e-marketplace"), each of the at least one bid having at least one attribute value associated therewith ("various relevant factors in the bids including price, quantity, etc."). (see 110, fig. 1 and p. 5, lines 5 – 6);
- creating a graphical visual interface ("web pages") based on a ranking system, the graphical user interface showing a relationship ("ranking" or "score") in a graphical format ("web pages") between the at least one attribute ("values of relevant factors...are used to calculate the score") and the at least one bid ("individual bid") and associated attribute value ("importance value or "weight" of each factor...are used to calculate the score of individual bids") in a single display (fig. 2). (see p. 6, 14 – 22 and fig. 2); and
- displaying information pertinent to a selected bid of the at least one bid ("reachable from information buttons). (see p. 6, lines 17 – 20 and fig. 2); and
- wherein the information is one of a general information ("score") and detailed information ("attribute information") related to the at least one bid ("reachable from information buttons). (see p. 6, lines 17 – 20 and fig. 2).

Disclosed Prior Art does not teach underlined limitations – a method of purchasing products and services over a network comprising the steps of:

- creating a graphical visual interface based on a Cartesian coordinate system, the graphical user interface showing a relationship in a graphical

format between the at least one attribute and the at least one bid and associated attribute value in a single display; and

- wherein the graphical format is sell bid lines representative of selected connected attribute values of the at least one bid.

Utilization of a Cartesian coordinate system to display and/or graph data is old and well known in the art of data graphing and information technology as evidenced by Jones (see pp. 62 – 67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art to allow for any representation of the data values that the inventor desired, such as through the graphical representation of such values in a Cartesian coordinate system, as disclosed by Jones, as opposed to textual representation of the values displayed on a graphical user interface. *In re Kuhle*, 526 F.2d 553, 555, 188 USPQ 7, 9 (CCPA 1975).

Furthermore, graphical representation of multivariate and/or multi-attribute data is old and well known in the art of data graphing and information technology, as evidenced by Jones (see pp. 85 – 87). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and Jones by further graphing, as disclosed by Jones, the multiple variables that comprised the final score, as disclosed by Disclosed Prior Art, allowing the user to understand underlying mechanism for calculation of the final score.

Linking and/or connecting attribute values of related data is old and well known is old and well known in the art of data graphing and information technology, as evidenced by Jones which states, "Points in the same data set are then connected to form a line

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plot." (see p. 85). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have linked and/or connected attribute values of the bids, as disclosed by Jones, thereby connecting data points related to one data set, the bid, allowing for graphic representation of the interrelations of bid attributes.

Regarding Claims 4 – 7, Disclosed Prior Art discloses a method further comprising the steps of:

- selecting a portion of a selected bid ("bids") created from attribute values (underlying the "ranks and scores") of the at least one bid. (see p. 6, lines 17 - 20); and
- retrieving the general or detailed information ("information pages") from a database (web server), the general or detailed information being pertinent to the selected bid ("...may be hyper-links to Web pages. The hyper-links to the information pages may provide detailed information of individual bids in an unstructured text format." – see p. 6, lines 10 – 13);
- wherein the retrieved general information ("information pages") is provided in a window. (see p. 6, lines 10 – 13); and
- wherein the detailed information ("web pages reachable from information buttons") is rendered in one of text ("reading attribute information."). (see p. 6, lines 16 – 20).

Disclosed Prior Art does not disclose the underlined claim limitations – a method further comprising the steps of:

- selecting a portion of a selected sell bid line created from connected attribute values of the at least one bid; and
- retrieving the general or detailed information from a database, the general or detailed information being pertinent to the selected sell bid line;
- wherein the retrieved general information is provided in a window adjacent the selected sell bid line; and
- creating a display separate from the graphical visual interface; and displaying the detailed information in the separate display.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and Jones to allow for any hyperlink to information that the inventor desired, such as a hyperlink formed by bid names and information buttons, as disclosed by Disclosed Prior Art, or through component objects of the graphical representation. *In re Kuhle*, 526 F.2d 553, 555, 188 USPQ 7, 9 (CCPA 1975).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and Jones to allow general information to be provided in a window located anywhere in the visual display, such as through a window located adjacent to the selected sell bid line. *In re Kuhle*, 526 F.2d 553, 555, 188 USPQ 7, 9 (CCPA 1975).

Displaying data separate from the graphical representation of said data is old and well known in the art of data graphing and information technology, as evidenced by Jones (see p. 71, fig. 4.8). It would have been obvious to one of ordinary skill in the art

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at the time the invention was made to have modified Disclosed Prior Art and Jones to have provided a display separate from the graphical representation of the data, as disclosed by Jones, providing system user with another, and possibly more accurate, information concerning the selected bid.

Regarding Claims 8 – 10, Claims 8 - 10 recite similar limitations to Claims 2 – 4 and 7 are therefore rejected using the same art and rationale as applied in the rejections of Claims 2 – 4 and 7.

Regarding Claims 11 – 13, Disclosed Prior Art discloses a method further comprising:

- the steps of tagging (selecting) at least one bid created from the attribute values (underlying the “ranks and scores”) of the at least one bid. (see p. 6, lines 17 – 20);
- displaying the tagged (selected) at least one sell bid on the graphical visual interface (“attribute information in web pages”) after a selected filtering operation (selection of “web pages reachable from the information buttons.”) (see p. 6, lines 17 – 20); and
- wherein the information is at least one attribute value (“attribution information”) associated with the tagged (selected) at least one sell bid. (see p. 6, lines 17 – 20).

Disclosed Prior Art does not teach underlined limitations – a method further comprising:

- the steps of tagging at least one sell bid line created from connected attribute values of the at least one bid; and
- displaying the tagged at least one sell bid line on the graphical visual interface after a selected filtering operation;
- wherein the graphical information is at least one attribute value associated with the tagged at least one sell bid line; and
- further comprising the steps of untagging the at least one sell bid line; and
- removing the tagged at least one sell bid line from the graphical visual interface in response to the selected filtering operation.

Selecting, unselecting and/or deleting line plots from a graphical representation of data, such as through deletion of a data set or removal of a sheet in a multi-layered drawing, is old and well known in the art of graphing and information technology. It would have been obvious to one of ordinary skill in the art to have modified Disclosed Prior Art and Jones to incorporate to the ability to tag, untag and remove line plots from the graphical representation of data, as is old and well known, to allow for simplification and clarity of displayed information, retaining bid lines still undergoing consideration, while removing bid lines eliminated from consideration.

Regarding Claims 14 – 15, Disclosed Prior Art does not teach underlined limitations - a method further comprising:

- the step of displaying a count of bid lines associated with the at least one bid, the count being displayed on the graphical visual interface; and

- the steps of continuously counting the number of bid lines and displaying the counted number of bid lines in the graphical visual interface.

Displaying a total count of objects located on a graphical display, such as a total of submitted bids, and/or continuously updating the total count of objects on the graphical display, such as a continuously updated total of submitted bids, is old and well known in the art of information technology. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Disclosed Prior Art and Jones by incorporation the ability to maintain an updated total of displayed bid lines, as is old and well known in the art, allowing the user to gauge the total of level of interest in the RFQ based upon the total number of bid lines.

Regarding Claims 16 – 18, Disclosed Prior Art does not teach underlined limitations – a method further comprising:

- the steps of enlarging or reducing a portion of the graphical visual interface;
- wherein the enlarging or reducing steps show portions of sell bid lines representative of connected attribute values of the at least one bid; and
- the step of scrolling the graphical visual interface in a desired direction.

Resizing, repositioning and scrolling within a display image are old and well known in the art of information technology. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and Jones by incorporating the ability to resize, reposition and scroll within a

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display image, as is old and well known, as such capabilities are conventional and standard display capabilities with computerized graphical user interfaces.

Regarding Claims 19 - 21, Claims 19 – 21 recite similar limitations to Claims 1 – 2 and 11 – 13 are therefore rejected using the same art and rationale as applied in the rejections of Claims 1 – 2 and 11 – 13.

Regarding Claims 22 - 29, further system claims would have been obvious from method claims rejected above, Claims 1 – 18, and are therefore rejected using the same art and rationale.

Regarding Claims 30, further code claim would have been obvious from method claim rejected above, Claim 1, and is therefore rejected using the same art and rationale.

Response to Arguments

Applicant's arguments filed 10/04/06 have been fully considered but they are not persuasive.

In response to applicant's assertion that in the previous Office Action the Examiner assumed that the network claimed was the Internet, Examiner wishes to clarify that Examiner did not assume that the network claimed was the Internet but was merely demonstrating that the "purchasing products and services over a network" was old and well known in the art, as the Disclosed Prior Art discusses the purchasing of products and services over a network, albeit the Internet, which by definition is a network.

In response to applicant's assertions concerning the limitations presented by the "filter capabilities and display capabilities of the web pages", Examiner refutes such an assertion. As Disclosed Prior Art discloses a graphical user interface such as one that displays web pages can accept user input (see p. 5, lines 5 – 9) and filter information based upon user input (see p. 3, line 25 – p. 4, line 3).

Furthermore, while applicant asserts that "the invention simultaneously provides a graphical display in a Cartesian coordinate system together with the display of detailed and/or general information in a visual or textual presentation", Examiner refutes such assertion. Disclosed Prior Art discloses "the display of detailed and/or general information in a visual or textual presentation" (see figure 2) while Jones discloses "a graphical display in a Cartesian coordinate system together with the display of detailed and/or general information in a visual or textual presentation." (see p. 71, figure 4.8).

In response to applicant's argument that the Examiner "incorrectly implies that the present invention is a simple utilization of a Cartesian coordinate system," Examiner asserts the prior art reference, Jones, does disclose the Cartesian coordinate system as currently claimed. For example, Jones, on page 170, discloses a graphical visual display based on a Cartesian coordinate system, the graphical display showing a relationship between the at least one attribute (in this case, units) and the at least one data point (in this case, time) and associated attribute value (in this case, the label of units) in a single display. (see Jones, p. 170).

Applicant references figures from the specification in his arguments and attempts to differentiate claimed invention from cited prior art by referencing features not claimed

within the previously presented claims, such as "n-dimensional space" and "higher order geometries". Examiner asserts that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The examiner would like to point out that Official Notice statement(s) were used in the office action mailed on 7/05/06 to indicate that certain concept(s), technology(s) and/or methodology(s) are old and well known in the art. Since applicant has not attempted to traverse such Official Notice statement(s), examiner is taking the asserted common knowledge and/or well-known statement to be admitted prior art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

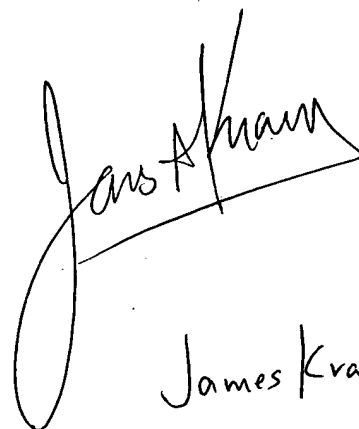
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Borlinghaus whose telephone number is (571) 272-6924. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


James Kramer

1/8/07